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an electrical cable having one end connected to the speaker for driving the speaker; and
an electrical plug connected to another end of the electrical cable for electrical connection
to an electronic sound-generating member.

C2

16. An electro-acoustic system for use with electronic sound-generating equipment, comprising:

Two earmolds molded to conform to and frictionally fit in each of a person's ears, each of said earmolds having a sound-conduction bore extending therethrough;

a sound-conducting tube having a passage with one end of the tubing connected to each of said earmolds so that the passage is opposite the sound-conduction bore and, a curved portion adapted to extend along the person's head between the person's head and ear;

a speaker acoustically coupled to the other end of the sound-conduction tube for each of said earmolds for conducting sound into the passage;

an electrical cable extending from each of said speakers having one end connected to the speaker for driving the speaker; and

a binaural electrical plug connected to another end of the electrical cable for electrical connection to an electronic sound-generating member.

REMARKS

Claim 1 has been amended to recite the limitation that the earmold is "molded to conform to and frictionally fit in a person's ear." This amendment is supported in the original specification and drawings, specifically at page 3, lines 6-7 and in Figures 1, 2, and 4 of the drawings. New Claim 16 has been added to recite a binaural system as depicted in Figure 4 and described at page 5, lines 26-30 of the original specification. Applicant submits that these amendments do not constitute new matter.

The Examiner rejects claims 1-4 and 14-15 under 35 U.S.C. §103(a) as being unpatentable over G.W. French (U.S. Patent No. 2,573,132), in view of Antle (U.S. Patent No. 4,499,593) and also claims 5-10 and 12-13 in further view of Schlaegel et al and claims 5 and 11 in further view of Major. Applicant traverses these rejections on the basis that the cited prior art does not constitute a *prima facie* case for obviousness with respect to amended claim 1. A

proper *prima facie* case for obviousness requires some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to combine the referenced teachings to produce the claimed invention. Neither French '132 nor Antle disclose "an earmold molded to conform to and frictionally fit in a person's ear" as recited in amended claim 1. Applicant notes that the Webster's English Dictionary definition of the word "conform" reads as follows: "... 3. to be or become similar in form, nature, or character." Furthermore, "fitted" is defined as "made so as to follow closely the contours of a form or shape." As human ear canals commonly differ in shape and size, the requirement recited in amended Claim 1 clearly contradicts the teachings of French at for instance column 1, lines 16-21 wherein it is noted that the French apparatus "is so constructed that the ear piece does not have to be specially designed to the user's ear..." Thus, the earpiece of French is neither "fitted" nor "conforming" as recited in Claim 1 of the present invention. Furthermore the disclosure provided therein specifically teaches against combining the French apparatus with other, fitted earpieces, such as for instance that provided in Schlaegel et al to provide the earpiece recited in Claim 1. As noted in MPEP §2154 (X)(D)(2), references cannot be combined where references teach away from their combination. Applicant therefore respectfully submits that amended claim 1 is in condition for allowance.

Claims 2-15 all depend on claim 1 and therefore incorporate the limitations added by the aforementioned amendments. As such, Applicant submits that these dependent claims are also patentable over French '132 in view of Antle as well as over French '132 in view of Antle et al and in further view of either Major or Schlaegel.

New Claim 16 recites a binaural electro-acoustic system. Applicant submits that this claim is in condition for allowance with respect to any forthcoming 35 U.S.C. §102(b) or 35 U.S.C. §103(a) rejections as the recited electro-acoustic device in Claim 16 includes the limitation of a fitted and conforming earpiece which is patentable over French in light of Schlaegel et al. as argued above.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

The Commissioner is hereby authorized to charge any fees associated with this communication to our Deposit Account No. 502319 (Order No. A-68724/AJT/MDV).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael D. Van Loy', written in a cursive style.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Amend the claims as follows. All pending claims are listed below, whether amended or not, for the Examiner's convenience.

1. (amended) An electro-acoustic system for use with electronic sound-generating equipment, comprising:

[a fitted] an earmold molded to conform to and frictionally fit in a person's ear having a sound-conduction bore extending therethrough;

a sound-conducting tube having a passage with one end of the tubing connected to the earmold so that the passage is opposite the sound-conduction bore and, a curved portion adapted to extend along [a] the person's head between the person's head and [an] ear;

a speaker acoustically coupled to the other end of the sound-conduction tube for conducting sound into the passage;

an electrical cable having one end connected to the speaker for driving the speaker; and

an electrical plug connected to another end of the electrical cable for electrical connection to [the] an electronic sound-generating member.

2. (unchanged) An electro-acoustic system as in claim 1, in which the speaker is acoustically coupled to the other end of the sound conduction tube by a housing, said housing snugly engaging said sound conduction tube and said electrical cable.

3. (unchanged) An electro-acoustic system as in claim 1, where a connector has an inner end including a passage connected to the sound-conduction bore, and an outer end connected to the one end of the sound-conduction tube for conducting sound from the sound-conduction tube to the sound-conduction bore.

4. (unchanged) An electro-acoustic system as in claim 3, wherein the sound-conduction bore has an entry section and an exit section.

5. (unchanged) An electro-acoustic system as in claim 4, wherein a seating member is disposed in the entry section.

6. (unchanged) An electro-acoustic system as in claim 5, wherein the connector has an elbow configuration and includes a tubing-receiving section, a latching section and a sound-conduction tubular passage extending from the tubing-receiving section to an outer end of the

latching section, the latching section mating with the seating member to latchably secure the connector in the entry section of the sound-conduction bore.

7. (unchanged) An electro-acoustic system as in claim 6, wherein the tubing-receiving section has a diameter to receive the other end of the sound-conduction tubing.

8. (unchanged) An electro-acoustic system as in claim 6, wherein an internal diameter of the sound-conduction tubing, the diameter of the sound-conduction tubular passage, and the diameter of the exit section of the sound-conduction bore are the same therealong.

9. (unchanged) An electro-acoustic system as in claim 7, wherein a filter is disposed in the tubing-receiving section adjacent the other end of the sound-conduction tubing.

10. (unchanged) An electro-acoustic system as in claim 9, wherein the tubing-receiving section has a shoulder against which the filter engages.

11. (unchanged) An electro-acoustic system as in claim 5, wherein the seating member has an annular section disposed in the entry section and an annular shoulder disposed against the earmold.

12. (unchanged) An electro-acoustic system as in claim 6, wherein the latching section has an annular recess, and an annular barb located in the annular recess for engaging the inner surface of the seating member.

13. (unchanged) An electro-acoustic system as in claim 6, wherein a space is provided in the entry section between an inner end of the seating member and an inner surface of the entry section, and a nubbin of the latching section is disposed within the space.

14. (unchanged) An electro-acoustic system as in claim 1, wherein the electrical cable has a coiled section.

15. (unchanged) An electro-acoustic system as in claim 1, wherein the electrical cable has an electrical connector attached thereto.

16. (New) An electro-acoustic system for use with electronic sound-generating equipment, comprising:

Two earmolds molded to conform to and frictionally fit in each of a person's ears, each of said earmolds having a sound-conduction bore extending therethrough;

a sound-conducting tube having a passage with one end of the tubing connected to each of said earmolds so that the passage is opposite the sound-conduction bore and, a curved portion

adapted to extend along the person's head between the person's head and ear;

a speaker acoustically coupled to the other end of the sound-conduction tube for each of said earmolds for conducting sound into the passage;

an electrical cable extending from each of said speakers having one end connected to the speaker for driving the speaker; and

a binaural electrical plug connected to another end of the electrical cable for electrical connection to an electronic sound-generating member.